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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,647	03/01/2002	Norman H. Cohen	YOR920010781	3703

35060 7590 10/31/2005

THE LAW OFFICE OF IDO TUCHMAN
69-60 108ST., SUITE 503
FOREST HILLS, NY 11375

EXAMINER

ALI, SYED J

ART UNIT	PAPER NUMBER
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2195

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,647

Applicant(s)

COHEN ET AL.

Examiner

Syed J. Ali

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>March 1, 2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-25 are pending in this application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

4. The following claim language is indefinite:

- a. In claims 1, 6, 9, 18, and 21 it is unclear what purpose the “binding expression” serves, i.e. is the expression used to bind a request or application to the resource, or is the expression itself in need of a resource. The understood purpose of binding expressions, e.g. in remote method invocation, is to provide a process or application with a resource. As claim 1 is presented, it appears that the expression itself is being bound. However, this interpretation conflicts with the accepted methods of binding. The use of “binding expression” goes throughout the claims. The claims should be amended to clearly point out how a binding expression is itself to be bound, rather than used as an intermediary to bind a process, task, or application to a resource.

- b. In claim 2, “previously received data” is indefinite as there is nothing in the claim or its parent claim that clearly indicates what point in time to which “previously” refers.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Marshall et al. (US 2002/0087665) (hereinafter Marshall).**

7. As per claim 1, Marshall teaches the invention as claimed, including a system for rebinding a binding expression to a new network resource, wherein a data specification describes a resource required by the binding expression (paragraphs 0018, 0040), the system comprising:

a data resolution service configured to discover network resources that satisfy the data specification (paragraphs 0018, 0022, 0057); and

means for rebinding the binding expression to the new network resource when the data specification changes (paragraphs 0022, 0037, 0046).

8. As per claim 2, Marshall teaches the invention as claimed, including the system of claim 1, wherein the data specification is computed at least partially from previously received data (paragraphs 0038, 0040).

9. As per claim 3, Marshall teaches the invention as claimed, including the system of claim 1, wherein the means for rebinding receives announcements of changes in a currently bound network resource (paragraph 0043, 0058).

10. As per claim 4, Marshall teaches the invention as claimed, including the system of claim 3, wherein the data resolution service communicates the announcements to the means for rebinding (paragraph 0058).

11. As per claim 5, Marshall teaches the invention as claimed, including the system of claim 1, wherein the means for rebinding initiates rebinding according to programmer-specified criteria in response to the announcements (paragraph 0022).

12. As per claims 6, 7, and 8, Marshall teaches the invention as claimed, including the system of claims 1, 3, and 5, wherein a resource descriptor describes a currently bound network resource (paragraphs 0038, 0043, 0058).

13. As per claim 9, Marshall teaches the invention as claimed, including a method for rebinding a binding expression to an appropriate network resource in a network, the binding expression being associated with a data specification describing the data at the binding expression (paragraphs 0018, 0040), the network including a current network resource

Art Unit: 2195

(paragraph 0031), and the network resources including at least one resource property (paragraph 0038), the method comprising:

obtaining a list indicating potential appropriate network resources and selecting an appropriate network resource from the list (paragraphs 0018, 0022, 0057); and

rebinding the binding expression to the appropriate network resource (paragraphs 0022, 0037, 0046).

14. As per claim 10, Marshall teaches the invention as claimed, including the method of claim 9, further comprising receiving an announcement of a change in the current network resource (paragraphs 0043, 0058).

15. As per claim 11, Marshall teaches the invention as claimed, including the method of claim 10, further comprising requesting the list upon receipt of the announcement (paragraphs 0056-58).

16. As per claim 12, Marshall teaches the invention as claimed, including the method of claim 9, further comprising determining whether the current network resource is no longer appropriate (paragraph 0058).

17. As per claim 13, Marshall teaches the invention as claimed, including the method of claim 9, further comprising evaluating the data specification upon a request for a current value of the binding expression (paragraphs 0043, 0057).

18. As per claim 14, Marshall teaches the invention as claimed, including the method of claim 9, further comprising requesting the list upon a change in the value of the data specification (paragraphs 0022, 0043, 0057).

19. As per claim 15, Marshall teaches the invention as claimed, including the method of claim 9, further comprising obtaining an access port for the appropriate network resource (paragraph 0057).

20. As per claim 16, Marshall teaches the invention as claimed, including the method of claim 9, further comprising if an error occurs, rebinding the binding expression to an error source (paragraphs 0022, 0037, 0046, 0058).

21. As per claim 17, Marshall teaches the invention as claimed, including the method of claim 9, wherein selecting the appropriate network resource further comprises determining the appropriate network resource according to programmer-specified criteria (paragraph 0057).

22. As per claim 18, Marshall teaches the invention as claimed, including a system for rebinding a binding expression to an appropriate network resource in a network, the binding expression being associated with a data specification describing the data required at the binding expression (paragraphs 0018, 0040), the network including a current network resource

Art Unit: 2195

(paragraph 0031), and the network resources including at least one resource property (paragraph 0038), the system comprising:

a data resolution service configured to provide a list indicating potential appropriate network resources (paragraphs 0018, 0022, 0057); and

a port manager configured to provide an access port to the appropriate network resource such that the binding expression rebinds to the appropriate network resource via the access port (paragraphs 0022, 0037, 0046, 0057).

23. As per claim 19, Marshall teaches the invention as claimed, including the system of claim 18, further comprising a binding module configured to select the appropriate network resource from the list indicating potential appropriate network resources (paragraphs 0018, 0022, 0057).

24. As per claim 20, Marshall teaches the invention as claimed, including the system of claim 19, wherein the data resolution service sends an announcement to the binding module when a change in the resource property of the current network resource occurs (paragraph 0043, 0058).

25. As per claims 21-25, Marshall teaches the invention as claimed, including a computer program product embodied in a tangible media comprising computer readable program codes coupled to the tangible media for performing the method of claim 9, wherein the tangible media comprises one of a magnetic disk, an optical disk, a propagating signal, and a random access memory device (Fig. 1, wherein the claimed media are well known to be within the class of tangible storage media).


Conclusion


26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Scheetz et al. (US 2002/0138665) discusses a method of rebinding processes in a network when a previously bound process becomes unbounded for any reason.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed J. Ali whose telephone number is (571) 272-3769. The examiner can normally be reached on Mon-Fri 8-5:30, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai T. An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Syed Ali
October 19, 2005


SUPERVISOR
TECHNICAL CENTER